

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 10076 of 2018

1. Sumit Agrawal S/o Bajrang Agrawal Aged About 25 Years R/o H. No. 814, Bus Stand Charoda, Police Station Purani Bhilai, District Durg, Chhattisgarh.
2. N. Avinash S/o N. Nag Mohan Rao Aged About 30 Years R/o Panchshil Nagar, Charoda, Police Station Purani Bhilai, District Durg, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Purani Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicants	: Ms. Soumya Sharma and Mr. Navin Shukla, Advocates.
For Respondent/State	: Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/03/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 413/2018, registered at Police Station Purani Bhilai, District Durg (C.G.) for the offence punishable under Section 21 (B) of the NDPS Act.
2. As per prosecution story, on 13.10.2018, on the basis of information received from an informant, investigation officer of the case searched a vehicle bearing registration No. CG 04 HM 9006. Allegedly, the applicants were sitting in the said vehicle. On being searched, total 9 cartoons have been found from the possession of the applicants, each cartoon containing 144 bottles of RC Cough-Syrup. On being examined the said bottles, total 279.2 Grams of prohibited drug 'codeine phosphate' have been found from the said bottles. The

applicants are in custody since 13.10.2018 itself.

3. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated in the present case. Mandatory provisions of the NDPS Act have not been complied with. They further submit that the seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution, the applicants have no criminal antecedents, they are in custody since 13-10-2018, charge-sheet has been filed and trial is likely to take some time. Therefore, the applicants may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution. The applicants have no criminal antecedents, they are in custody since 13-10-2018, charge-sheet has been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge